

New Hampshire Department of Transportation –
Bureau of Aeronautics

Disadvantaged Business Enterprise (DBE) Plan
for 2021 – 2023

December 10, 2021

Attachment 3

Section 26.45: Overall Goal Calculation

Amount of Goal

1. The Sponsor's overall goal for fiscal years 2021 - 2023 is 1.6% of the federal financial assistance the Airport will expend in FAA-assisted contracts.
2. \$2,563,175.00 is the anticipated federal dollar amount of FAA-assisted contracts that the Sponsor expects to award during fiscal years 2021 - 2023. That amount includes approximately \$759,800.00 of Federal funds for specialized vehicle (Aircraft Rescue and Firefighting or ARFF) procurement. Per 49 CFR Part 26.49; vehicle procurement will not be considered in this DBE Plan. The total federal dollar amount (less the Federal dollar amount for the specialized vehicle procurement) will then be \$1,803,400.00.

This means that the Sponsor has set a goal of expending at least \$28,892.00 with DBEs during the three fiscal years on these contracts. A DBE goal of \$28,892.00 / total Federal dollar amount of \$1,803,400.00 = a DBE percentage of 1.6%. **This goal is a weighted goal based on adjustments to allow for an on-call statewide consultant who will handle the majority or engineering aspects of the projects listed (see step 2(4)).**

Methodology used to Calculate Overall Goal

Establishing a goal is calculated utilizing a two-step process then subsequently adjusted.

Step 1: 26.45(c) Determining the base figure.

The market area for the Airport incorporates the state of NH.

Each proposed project is broken down into its North American Industry Classification System (NAICS) service components. To determine the base goal, the total number of DBE firms ready, willing and able to perform the project's NAICS service component is divided by the total number of all firms (including DBE firms) that are ready, willing and able to perform the project's NAICS service component.

The number of DBEs ready, willing and able to perform each NAICS service component is derived from the most recent New Hampshire Department of Transportation (NHDOT) DBE Directory, dated October 4, 2021).

The number of all firms ready, willing and able to perform each NAICS service component is determined from the U.S Census Bureau's County Business Patterns database for the state of New Hampshire. The County Business Patterns database for New Hampshire is located at

<https://data.census.gov/cedsci/table?q=county%20business%20patterns&tid=CBP2019.CB1900CBP> .

FY 2021 DBE Goal Calculations

Project: Acquire ARFF Vehicle

541330	Engineering Services	358	16	
		358	0	0.0%

Project: PCI Study and Interactive Map

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	359	29	
541511	Custom Computer Programming Services	336	14	
541370	Surveying and Mapping (except Geophysical) Services	56	15	
		751	29	3.9%

Project: Obstruction Study 2 Airports

541330	Engineering Services	359	29	
		359	0	0.0%

FY 2022 Base DBE Goal Calculations

Project: Upgrade ARFF Fire Pit (Construction)

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	358	29	
541380	Testing Laboratories	41	4	
238220	Plumbing, Heating, Air Conditioning Contractors	658	6	
238910	Site Preparation Contractors	386	9	
238210	Electrical Contractors and Other Wiring Installation Contractors	570	14	
		2,013	33	1.6%

FY 2023 Base DBE Goal Calculations

Project: Fuel (Propane) Tank Improvements At Fire Training Area

NAICS	NAICS Definition	Establishments	DBE	DBE%
541330	Engineering Services	358	29	
238220	Plumbing, Heating, Air Conditioning Contractors	658	6	
		1,016	6	0.6%

Legend:

	Number of available Engineering establishments from NH CBP data and number of Engineering establishments from NH DBE Directory expected to be able to provide Statewide On-Call Engineering Services.
	Total of all available establishments for project, number of available DBE establishments for tasks (except for Statewide On-Call Engineering Services), resultant share of available DBE establishments of available establishments for the project.

FY 2021-2023 DBE Goal Calculations

Projects	Total Number of All Firms Ready, Willing, and Able 1/	Total Number of DBE Firms Ready, Willing and Able 2/	Base DBE Goal of All Federal Project Costs
Fiscal Year 2021 Projects Summary	1,468	29	2.0%
Fiscal Year 2022 Projects Summary	2,013	33	1.6%
Fiscal Year 2023 Projects Summary	1,016	6	0.6%
Total:	4,497	68	1.5%

The base figure for the relative availability of DBEs is calculated as follows:

$$\text{Base Figure} = \frac{\text{DBE Ready, Willing and Able}}{\text{Total Firms Available}} = \frac{68}{4,497} = 1.5\%$$

The estimated federal share of the Sponsor Administration expenses was not included in the DBE calculations as there is no opportunity for DBE expenditures within the New Hampshire Department of Transportation.

Step 2: 26.45(d)

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal. The following were considered in the adjustment of the base figure:

(1) DBE Thresholds: The NHDOT will continue to set goals for DBE participation on all FAA-assisted contracts each fiscal year, including those in which the \$250,000 federal funding is not exceeded.

(2) Disparity Studies: There have been no Disparity Studies in New Hampshire so no adjustments to the base figure were made based on this criterion.

(3) Past Participation: FY 2018 – 2020

- The DBE participation in NHDOT FAA-assisted contracts for fiscal year 2018 was 0% as there were no awards and no payments for on-going projects during the period. Two projects were closed out during this time period for a total FAA amount of \$54,982 with no DBE participants.
- The DBE participation in NHDOT FAA-assisted contracts for fiscal year 2019 was 0% as there were no awards, and no payments for on-going projects during the period; and no projects were closed out during the period.
- The DBE participation in NHDOT FAA-assisted contracts for fiscal year 2020 was 0%. During this period, one contract of \$146,340 (Federal) was awarded to the on-call Statewide engineering firm (a non-DBE). The Statewide on-call engineering firm awarded one DBE subcontract; but during FY 2021 and will be reported in the subsequent Uniform Report for that period.

This is because funding, project, and personnel changes did not allow for projects to be awarded as was expected when the 2018-2020 DBE goals were set originally. Additionally, the majority of the work being awarded was to the statewide on-call engineering firm who was not a DBE and there was limited opportunity for subcontractor work on these projects. All DBE participation was achieved through race/gender neutral means. The NHDOT-proposed projects in fiscal years 2021 – 2023 have very limited sub-contracting opportunities.

(4) On-Call Statewide Consultant: The current on-call statewide consultant for the NHDOT Bureau of Aeronautics is not a DBE. The figures used have therefore been weighted based on the on-call consultant retaining an estimated share of the project cost in engineering fees (based on the project), as well, thereby reducing the number of DBE firms available for the project since this portion of the project will not be going out to bid in a competitive bid process. Some projects have not been included in the total DBE percentage due to the fact that they are equipment purchases and will be handled solely by the on-call consultant.

(5) Public Participation: The NHDOT published a notice of its goal information in the NHDOT website in December 2021. The public notice read as follows:

PUBLIC NOTICE
Published December 14, 2021

PUBLIC NOTICE THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION BUREAU OF AERONAUTICS THREE-YEAR DBE OVERALL GOAL

Pursuant to the U.S. Department of Transportation regulations contained in 49 Code of Federal Regulations, Part 26, all State transportation agencies receiving U.S. Department of Transportation/Federal Aviation Administration financial assistance must establish a three-year overall goal for federal fiscal years 2021 through 2023 which determines the dollar value of work to be awarded to disadvantaged businesses. This action has been deemed necessary in order to provide disadvantaged businesses a nondiscriminatory opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. The New Hampshire Department of Transportation is a recipient of Federal Aviation Administration financial assistance and hereby establishes the following three-year overall goal in accordance with these regulations: Bureau of Aeronautics Disadvantaged Business Enterprise (DBE) Goal: 1.6% Individuals who are interested in becoming a certified Disadvantaged Business Enterprise in New Hampshire should contact: Office of Federal Compliance New Hampshire Department of Transportation 7 Hazen Drive, PO Box 483 Concord, NH 03302-0483 Tel: (603) 271-6612 A description of the methodology used in establishing this overall goal will be available for a 30-day review during normal business hours at the above address. A public meeting for review and discussion related to the DBE methodology used in establishing this overall goal will be held on January 17, 2022, in the Franklin Pierce Conference Room 112/113, from 1:00pm to 2:00pm at the New Hampshire Department of Transportation, 7 Hazen Drive, Concord, NH. Comments pertaining to this overall goal will be accepted at the above referenced address for a period of 45 days from the published date of this notice. Public comments are for informational purposes only. This overall goal will be reviewed and re-established every three years. The Department may make mid-cycle adjustments to its methodology if changes in circumstances that have a significant impact on the established goal are experienced.

The market area used the NH Metropolitan Service Area. The significant majority of contractors that have historically participated in NHDOT contracts have been located within this market area, and thus the overall DBE goal of 1.6% accurately reflects the anticipated overall DBE participation.

Breakout of Estimated Race-Neutral and Race Conscious Participation: 26.51(b)(1-9)

As mentioned previously, the overall DBE goal for fiscal years 2021-2023 was established at 1.6% of the federal financial assistance the NHDOT will expend in FAA-assisted contracts. **The NHDOT intends to attain its overall goal of 1.6% through Race-Neutral means and 0% through Race-Conscious means.**

NHDOT will meet the maximum feasible portion of the overall goal by using Race-Neutral means and the NHDOT continues to work with prime contractors to assist their efforts in facilitating Race-Neutral DBE participation. Race-Neutral participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE contract goal, or even if there is a DBE contract goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g. a prime contractor that uses a strict low bid system to award subcontracts).

Race-Neutral means include, but are not limited to, the following:

1. Carrying out information and communication programs on contracting procedures and specific contract opportunities, such as ensuring the inclusion of DBEs, and other small businesses, on mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors;
2. Providing a copy of the Invitation For Bids, when requested to NHDOT-certified DBE's for each bid letting;
3. Providing introductions to help DBEs, and other small businesses with access to prime contractors in an effort to develop working relationships

4. Ensuring distribution of NHDOT's DBE Directory, through print and electronic means, to potential prime contractors and subcontractors;
5. Providing technical assistance and other services;
6. Accounting for the participation of DBEs in consulting and municipally managed projects with Federal participation.
7. The NHDOT Office of Federal Compliance works with prime contractors (by phone, e-mail, and in person) that take out sample proposals for upcoming NHDOT projects, to search for DBEs capable of subcontracting on the project. We identify potential items of work with subcontracting opportunities and contact DBEs capable of performing this work and encourage them to submit a bid to the prime. In this manner, our office is able to proactively incorporate DBEs into the initial proposal stage for the project.
8. The specific on-going outreach tasks performed by the NHDOT Office of Federal Compliance in part include the following:
 - Preparation of a Disadvantaged Business Enterprise – Supporting Services Program – Statement of Work. This Program is to provide training, assistance and services to certified minority, disadvantaged, and women business enterprises to facilitate their development into organizations capable of competing for federally-assisted highway projects.
 - Preparation and circulation of DBE Outreach Fliers and DBE Supportive Services fliers.
 - E-mail notices to DBE firms and DBE organization of specific projects (State-/Federal-affiliated and not Federal-State-affiliated) that may be of interest.
 - E-mail notices of DBE Supportive Services webinars by the NHDOT.

The overall DBE goal will be reviewed and re-established every three years. The Department may make mid-cycle adjustments to its methodology if changes in circumstances that have a significant impact on the established goal are experienced.

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